

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

RETURN DATE: JULY 6, 2011
TIME: 9:30 A.M.

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In Re:

Chapter 13

Delphin B. Sanchez,

Case No. 811-72686-A736

Debtor

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Delphin B. Sanchez,

Adv. Pro. No. 811-08948-A736

Plaintiff,

-against-

Notice of Hearing

Wells Fargo Bank, N.A.,

Defendant.

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PLEASE TAKE NOTICE, that on July 6, 2011 at 9:30 a.m. the undersigned will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge, United States Bankruptcy Court, Long Island Federal Courthouse, 290 Federal Plaza, Room 860, Central Islip, New York 11722, or as soon thereafter as counsel can be heard for an Order pursuant to Rule 7055 of the Federal Rules of Bankruptcy Procedure and Rule 55(b) of the Federal Rules of Civil Procedure: (a) for entry of a default judgment against Defendant Wells Fargo Bank, N.A. ("Wells Fargo") pursuant to 11 U.S.C. §§ 105, 506(a), 506(d), 1322(b)(2) and Rules 3012 and 7001 of the Federal Rules of Bankruptcy Procedure (i) determining that Defendant Wells Fargo's mortgage secured by the Plaintiff's real property located at 616 Leonard Avenue, Uniondale, New York (the "Premises"), executed by the Plaintiff and dated September 15, 2009, in the principal amount of \$235,000.00 (the "Mortgage"); is wholly unsecured; (ii) determining that Defendant Wells Fargo's mortgage is void; and (b) such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that a copy of the application is available for inspection at the office of the Clerk of the United States Bankruptcy Court during normal business hours at the Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722 or may be obtained by contacting the undersigned.

PLEASE TAKE FURTHER NOTICE, Objections to the Plaintiff's application shall be filed as follows: (a) (i) through the Bankruptcy Court's electronic filing system (in accordance with General Order M-182), which may be accessed through the Internet at the Bankruptcy Court's website: www.nyeb.uscourts.gov, using Netscape Navigator software version 3.0 or higher, and (ii) in portable document format (PDF) using Adobe Exchange software for conversion; or (b) if a party is unable to file electronically, such party shall submit the objection in PDF format on a diskette in an envelope with the case name, case number, type and title of document, document number of the document to which the objection refers, and the file name on the outside of the envelope; or (c) if a party is unable to file electronically or use PDF format, such party shall submit the objection on a diskette in either Word, WordPerfect, or DOS text (ASCII) format. An objection filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph. A hard copy of the objection, whether filed pursuant to section (a), (b) or (c), as set forth in this paragraph, shall be hand-delivered directly to the Chambers of the Honorable Robert E. Grossman, and a hard copy shall be served upon the Plaintiff's counsel, Weinberg, Gross & Pergament LLP, 400 Garden City Plaza, Suite 403, Garden City, New York 11530, Attention: Marc A. Pergament, Esq., the Office of the United States Trustee, Long Island

Federal Courthouse, 560 Federal Plaza, Central Islip, New York 11722, and file with the Clerk of the Bankruptcy Court, with a copy to chambers on or before June 22, 2011.

Dated: Garden City, New York
June 1, 2011

Weinberg, Gross & Pergament LLP
Attorneys for Plaintiff

By: _____

Marc A. Pergament
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